

Beating Victim Dies; Grand Jury Requested

T AUG 18 1976

Crimes & Criminals, T.H.

Eighty

FIELDS ALBERT (Victim)

An elderly Terre Haute man who was found Monday morning severely beaten at his northside home died shortly after midnight Wednesday at Union Hospital.

After learning of the death of Albert Fields, 72, 4320 N. 16th St., the bond for a local man being held in connection with the beating was increased from \$10,000 to \$100,000 and a request was expected to be filed that a 16-year-old also being held in connection with the incident be tried as an adult.

Also, Vigo County Deputy Prosecutor Phillip Adler announced plans to submit Wednesday a written request for a Vigo County grand jury to be called to investigate the circumstances surrounding Fields' death.

Charged Tuesday with assault and battery with intent to commit a felony and assault and battery with intent to kill

were Rick Hyde, 21, 3010 Haythorne Ave., and a 16-year-old juvenile. The two were arrested by Terre Haute City Police.

No change in those original charges has reportedly been made at this time.

Fields had been admitted to the northside hospital at about 10 a. m. Monday and remained in very critical condition following surgery for a concussion and skull fractures.

The elderly man was found by his sister Monday morning. She notified city police who said the victim had been assaulted with a club the size of a baseball bat and robbed of a handgun and cash less than \$50.

Hyde was arraigned on the two charges previously listed Tuesday before Circuit Court Judge C. Joseph Anderson. He was returned to the Vigo County Jail under \$10,000 bond. The 16-year-old was turned over to juvenile authorities.

On Wednesday morning Anderson increased Hyde's bond to \$100,000.

Besides announcing that he would request a grand jury investigation, Adler said he would submit a written request to Frederick Bauer, Vigo Juvenile judge, to waive juvenile proceedings on the 16-year-old so that he could be tried as an adult.

When the grand jury might be called into session could not be determined early Wednesday.

Fields is survived by two sisters, Mrs. Inez Archer and Mrs. Jessie Auman, both of Terre Haute, and one brother, Wendell C. Fields, Terre Haute.

Services will be conducted at the Cross Funeral Home on Friday at 10 a.m. with the Rev. David Butts officiating. Burial will be in Roselawn Memorial Park. Friends may call after 3 p.m. on Thursday.

Community Affairs FH

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Community Affairs File

Fortson Brothers Held

T SEP 10 1976

Crime & Criminal (T.H.)

For Shooting of Guard

Two Terre Haute juvenile brothers were charged Thursday in connection with the Aug. 24 shooting death of a Pinkerton guard.

Terre Haute police have charged Sherbert Maurice Fortson, 17, and Stanford Wayne Fortson, 15, both of 2103 Liberty Ave., with assault with the intent to kill.

The charges against the brothers are in connection with the death of Ralph Benjamin, 55, 39½ S. 16th St., who was found with a bullet wound in the head on the afternoon of Aug. 24 by several children playing in a field in the northeastern portion of the city. He was

in the trunk of a car.

Both youths were jailed without bond Thursday.

Circuit Court Judge C. Joseph Anderson released the names of the juveniles Thursday afternoon.

Deputy Prosecutor Phillip Adler reported Friday a determination had not been made whether a grand jury will consider the Benjamin death and the Fortson arrests.

Adler indicated, though, that a grand jury would probably consider it and said he should know by the beginning of the week. He pointed out a grand jury is to

meet Sept. 15 on another matter and the Fortson matter may be considered after that.

Benjamin's body was discovered in a remote area about 400 feet south of Fourth Avenue near 29th Street about seven hours after he had failed to report in after his "hoot owl" patrol of properties near Clinton.

The Indiana State Police had been called to the Lyford area about 11 p.m. Aug. 23 to check on two black males who had been seen placing an object in the trunk of a car. When a trooper arrived, the two males had left, but the officer did recover a stolen car left at the scene.

Murder Charges Filed Against 3 In Guard's Death

Crime & Criminals (T.H.)
Community Affairs File

Vigo County Prosecutor Michael H. Kearns filed charges of first degree murder by information Wednesday against three teen-agers for the Aug. 24 murder of a security guard for the Pinkerton Detective Agency.

Held in the Vigo County Jail without bond are Sherbert Maurice Fortson, 17, his 15-year old brother Stanford

Wayne, both of 2103 Liberty Ave., and Edward Lewis, 17, of Gary.

The three appeared before Vigo Circuit Court Judge C. Joseph Anderson Wednesday afternoon and took the pauper's oath.

Judge Anderson appointed public defenders for the trio: William K. Teeguarden for Stanford Fortson, Robert F. Hellmann for Maurice Fortson and Dexter L. Bolin Jr. for Lewis.

The attorneys entered motions for the production of evidence and speedy trials, which Anderson took under advisement until Oct. 4. He set arraignment for Nov. 4.

The juveniles were arrested in connection with the death of Pinkerton guard Ralph Benjamin, 55, 39½ S. 16th St.

The older Fortson was arrested on Aug. 29. The younger brother was arrested Sept. 9 on a preliminary charge of assault and battery with intent to kill, and the same charge was filed against the older brother that day.

Lewis was arrested in Gary on Sept. 13 and made his appearance Sept. 15 before Judge Anderson in Circuit Court on the preliminary charge of assault and battery with intent to kill.

FORTSON, SHERBERT MAURICE
" STANFORD WAYNE
LEWIS, EDWARD

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BENJAMIN, RALPH

Fortson Found Guilty Of First Degree Murder

Community Affairs File

Crime & Criminals (1-4)
A Vigo Circuit Court jury found Stanford Wayne Fortson, 15, guilty of first degree murder, after about three hours of deliberation Thursday afternoon.

Fortson, his older brother Sherbert Maurice Fortson, 17, and Edward Lewis, also 17, were charged in the Aug. 24 shooting death of Ralph Benjamin, 55, a security guard employed by the Pinkerton Detective Agency.

Special Judge Robert Howard Brown ordered a presentence report by Feb. 2 for the youth. Conviction for first degree murder carries a mandatory life sentence.

Maurice Fortson is scheduled to go on trial Monday on the

murder one charge. The third defendant, Lewis, remains at large following his escape from the Vigo County Jail in November.

Benjamin's body was found stuffed in the trunk of an automobile in an unpopulated area near 29th Street and 4th Avenue on Aug. 24. He had been shot in the head.

Vigo Deputy Prosecutor Daniel L. Weber and Public Defender William K. Teeguarden presented their closing arguments Thursday about 1 p.m. Each was allowed 45 minutes. Judge Brown's instructions to the jury of four men and eight women took about 20 minutes.

Jury selection was completed late Monday, and testimony took about two and a half days. Heavy security was ordered when the verdict was read. On Wednesday afternoon, emotional outbursts from spectators caused Judge Brown to admonish them of the conse-

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quences of such conduct.

The caliber of the weapon used in the shooting of Benjamin was not specified during the testimony, though a 38-caliber Smith and Wesson special was introduced as state's evidence.

This weapon was stolen from the home of a local Brinks guard on Aug. 21 and later recovered from the glove compartment of a stolen car in Gary, testimony revealed.

Weber's case was strengthened after the court permitted a statement made by Stanford Fortson to Terre Haute City Police to be introduced into evidence.

The statement by Fortson on Sept. 10 implicated his brother and Lewis.

Teeguarden's motions for mistrial were based on improper statements made by the prosecutor in closing arguments and on the court's reading of several instructions to the jury.

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Court Considers Delay Request In Fortson Case

Special Judge Robert Howard Brown will rule Monday morning on the state's motion to continue the first degree murder trial of 17-year old Sherbert Maurice Fortson for 90 days.

Brown said he planned to "research Criminal Rule 4 exhaustively" during the weekend. The youth's trial had been set for Thursday, Jan. 13, and later tentatively rescheduled for Monday, Jan. 10.

Vigo County Prosecutor

Michael H. Kearns filed the motion for continuance about 4 p.m. Thursday, as a 12-member jury was deciding the fate of Stanford Wayne Fortson, 15, charged along with Maurice Fortson and Edward Lewis, 17, in the Aug. 24 shooting death of Ralph Benjamin.

The younger Fortson was found guilty of first degree murder and faces mandatory life imprisonment. The verdict was returned about 6 p.m. Thursday.

Testimony of Eddie Lewis is essential to the state's prosecution of Maurice Fortson, and Lewis is at large, following his escape from the Vigo County Jail on Oct. 20.

Sources also say that Kearns will probably dismiss the charge against Maurice Fortson at this time, for lack of evidence to prosecute, if Judge Brown overrules the motion for continuance.

If the state drops the charge, it could re-file the first degree murder charge and possibly others.

If Judge Brown grants the continuance, and the matter goes to the Indiana Supreme Court, it is possible that Fortson would be ordered discharged and free of any liability in the matter under the speedy trial rule.

The public defenders (William K. Teeguarden for Stanford Fortson; Robert F. Hellmann for Maurice, and Dexter Bolin for Lewis) had filed motions for a speedy trial (within 70 days of arrest). The defendants were arrested Sept. 22.

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Community Affairs File
(Crime & Criminals T.H.)

Judge Brown granted those motions as well as a joint motion of state and defense seeking severance of trial of the Fortsons, with the state having the choice of which was to be tried first.

Deputy prosecutor Daniel L. Weber presented the state's case against the younger Fortson. He and Chief Deputy Prosecutor Phillip I. Adler are expected to present the case against Maurice, if and when it is tried.

Court staffers were in the process Thursday afternoon of sending out notices to prospective jurors for Maurice's trial next week when the new developments in the case occurred. This was halted pending Judge Brown's ruling on the new motion.

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Fortson Now Held On Escape Charges

Crimes & Criminals IT. 14.

Though he was released on his own recognizance Tuesday on a first degree murder charge, Sherbert Maurice Fortson, 17, is still not free. He is now being held in the Vigo County Jail on two other charges pending in Juvenile Court.

Fortson, accompanied by two officers of the Vigo County Sheriff's Department, appeared before Special Judge Robert Howard Brown in Vigo Superior Court Division 3 Tuesday afternoon for a hearing on several motions.

The youth was arrested, along with two other juveniles, for the Aug. 24 shooting death of Ralph Benjamin, 55, a security guard for the Pinkerton Detective Agency.

His jury trial for first degree murder was to have begun Thursday in Circuit Court. However, a motion filed Tuesday by Vigo County Prosecutor Michael H. Kearns for recommendation of bond was granted by the court, and technically, Fortson was free.

The court then reconsidered another motion of the state, for a 90-day continuance of the trial, which was overruled Monday, and set a new trial date, April 4, 1977, at 8:30 a.m., for Fortson.

Chief deputy prosecutor Phillip I. Adler promptly moved to activate two charges against Fortson in Juvenile Court, stemming from his escape from the Juvenile Center and from H. Ralph Johnston Youth Community.

After Judge Brown concluded the hearing on the latest motions in the murder one case against Fortson, over the objections of Public Defender Robert F. Hellmann, the youth was placed in the jurisdiction of the Juvenile Court.

Circuit Court Judge Hugh D. McQuillan then took over and

conducted a closed hearing, as is customary in juvenile matters.

Joining Hellmann in this hearing was Public Defender Harry Dees Jr., who is assigned to the juvenile division. Further proceedings will take place in Juvenile Court.

Hellmann said he planned to file a motion for discharge with Judge Brown.

In applying Criminal Rule 4 (speedy trial within 70 days of arrest) to the case, Judge Brown noted that it applies to defendants incarcerated prior to trial.

Now, however, since the defendant is released or the case is moot, he stated in open court, and the state must bring the case to trial within a year (by Sept. 22).

Hellmann argued that his client was being deprived of his constitutional right to a speedy trial and objected to press conferences the state has conducted on the case.

In concluding his order from the bench Tuesday, Judge Brown stated that "the defendant, not yet having appeared in juvenile division of this court for the two above causes, is now ordered remanded to the custody of the Vigo County Sheriff to be held pending appearance in the juvenile division . . . confinement to be in all respects in full compliance with the statutes, rules and regulations applicable to the detention of juveniles by sheriffs."

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Lewis in Custody, Appears in Court

Crime + Criminals (TH)

1-13-77-7

By COLLEEN SIMS
Tribune Staff Writer

Nearly three months of freedom were ended for a 17-year-old Gary youth who was arrested last September in connection with the shooting death of a Terre Haute Pinkerton guard and later escaped from the Vigo County Jail when Terre Haute police arrested him at his mother's home Wednesday.

Eddie Lewis, one of three youths charged with the first degree murder in connection with the death of Ralph Benjamin Aug. 24, appeared before Judge Robert Howard Brown in Vigo Circuit Court Division 3 late Thursday morning and had his case continued to Jan. 31 at 9 a.m. for arraignment.

His counsel, Public Defender Dexter Bolin, moved that Lewis be released on his own recognizance noting similar treatment of his co-defendant had been granted. The court denied the motion, however. Lewis was remanded to the Vigo County jail without bond.

With the capture of Lewis, the Vigo

County Prosecutor's office will evidently be able to proceed with its case against one of the other two subjects arrested for the Benjamin murder. The absence of Lewis is believed to have been the main reason the state asked last week for a 90-day continuance of Sherbert Maurice Fortson's trial on the first degree murder charge in connection with the shooting of Benjamin.

Maurice Fortson's younger brother, Stanford, 15, was found guilty of murder Jan. 6 by a Vigo County Circuit Court jury. Special Judge Robert H. Brown ordered a pre-sentence report be completed by the adult probation staff by Feb. 1. When the report is completed, Judge Brown will announce sentencing of the younger Fortson. The charge carries a mandatory life sentence.

Although Stanford Fortson gave a statement to Terre Haute police on Sept. 10 implicating himself, his brother and Eddie Lewis, that statement would be considered hearsay evidence in Maurice's trial and therefore inadmissible. That statement was vital to the state's case in getting the guilty verdict returned against the younger Fortson, though.

Since that statement was inadmissible as evidence, Lewis' testimony was reportedly essential in the state's case against Maurice Fortson, 17. Courthouse sources indicate that the state was considering a plea bargain arrangement with Lewis in exchange for his testimony against Maurice.

Lewis escaped from the Vigo County Jail on Oct. 20 when he and another inmate, Jeffrey Hill, 19, Terre Haute, sawed themselves out of the building. They sawed first through the bars of their cell and then cut through bars on a second floor window to get out of the jail. Hill remains at large.

Lewis was originally arrested in Gary by Terre Haute police on Sept. 13 for the Benjamin murder. The Fortson brothers had been arrested Sept. 9.

The body of the dead Pinkerton guard, Benjamin, 55, 39 1/2 S. 16th St., was found stuffed in the trunk of a car in a large field in the northeastern portion of the city Aug. 24 by children playing in the area. Results of an autopsy indicated Benjamin had been shot once in the head with a large caliber gun.

According to police, Benjamin had been on a hoot-owl patrol route in the northern part of Vigo County for Pinkerton's Inc., when he failed to return home.

With the capture of Lewis, the trial against Maurice Fortson is now expected to be moved up from the April 4 date set last week after the requested continuance was granted.

Fortson, Sherbert Maurice
Fortson, Stanford
Maurice

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~~Crime & Criminals (T.H.)~~ 2-3-77-7
**Stanford Fortson Gets
Life for Guard's Death**

Stanford Wayne Fortson, 15, was sentenced to life imprisonment Thursday for the Aug. 24, 1976, death of Terre Hauteinkerton guard Ralph Benjamin, 55.

A Vigo Superior Court jury had found Fortson guilty of first degree murder in December.

Fortson's counsel, Public

Defender William K. Teeguarden, told Special Judge Robert Howard Brown at sentencing Thursday morning that he planned to file a motion to correct errors. Teeguarden was also appointed counsel for purposes of appeal. The court reporter was ordered to transcribe all proceedings of the trial, including jury selection.

Fortson's older brother, Sherbert Maurice Fortson, and a Gary youth, Eddie Lewis, both 17, are awaiting trial for first degree murder in connection with the Benjamin slaying.

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Vigo Jury Rules

Crime & Criminals (T.H.)

Community Affairs File

Fortson Found Guilty of Murder

TS APR 3 1977

Sherbert Maurice Fortson, 17, was found guilty of first degree murder Saturday as the Vigo Circuit Court jury returned its verdict after little more than an hour in deliberation.

Fortson, the second defendant to be convicted in the shooting death last August of a private police patrolman, was remanded to jail to await a pre-sentence report to be returned by April 12, according to the order of Special Judge Robert Howard Brown, before whom trial was held.

The defendant's brother, 15-year-old Stanford Wayne Fortson, was convicted

in trial last December and was sentenced to life imprisonment on Feb. 3.

The third defendant is 17-year-old Eddie Lewis of Gary who was at large at the time of the December trial, but since was brought to custody and became a key witness for the state in the current trial which opened last Thursday. He is said to have reached a plea bargaining agreement with the prosecution, details of which remain to be revealed.

The victim was 55-year-old Ralph Benjamin whose body was found in the trunk of his patrol car in the northeastern part of Terre Haute on Aug. 24,

1976, after he had been patrolling the Lyford area. His widow was among some two dozen witnesses for the prosecution which rested its case about noon Saturday.

The defense, conducted by Public Defenders William Smock and Harry Dees Jr., called a few police officers to the stand in connection with some technical evidence.

The jury received the case about 3:40 p.m. and returned the verdict approximately an hour and a quarter later, shortly before 6 o'clock.

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Fortson Plans
To Appeal
APR 12 1977

Life Sentence / T.H.

Crime & Crimials

Sherbert Maurice Fortson will appeal his life sentence handed down Tuesday in Vigo Superior Court Civ Division III where reports indicated that another defendant in the Benjamin murder case may serve one year at the Indiana State Farm.

Fortson, 17, was sentenced by Special Judge Robert Howard Brown in the Tuesday hearing which saw Attorney William Smock appointed as a public defender to represent the defendant in the promised appeal. Fortson was represented by Smock and Attorney Harry Dees Jr. in the first degree murder trial which ended with his conviction by the Division III jury on April 2.

Deputy Prosecutor Daniel L. Weber conducted the case for the state in the trial which was completed in three days. Fortson's brother, 15-year-old Stanton Wayne Fortson, was convicted in an earlier trial and is serving a life sentence.

The third defendant in the shooting death last August of Pinkerton patrolman Ralph Benjamin is 17-year-old Eddie Lewis of Gary who was a key witness in the recent trial, having reportedly arranged a plea bargain with the prosecution.

Reports Tuesday stated that Lewis will appear before Judge Brown on Thursday when he is expected to enter a plea of guilty to a manslaughter charge which carries a penalty of one-to-10 years in prison. The state is expected to recommend that the Minors Act be invoked for Lewis.

Meanwhile, Smock says that a formal appeal motion will be filed in the older Fortson brother's behalf with a request for the setting of bond for his release pending the appeal process. He currently is confined in the Vigo County Jail without bond awaiting transfer of custody to the state corrections department for imprisonment in keeping with the sentence ordered.

A request that Fortson be retained in the local jail for two weeks while the appeal motion is processed was denied by the court.

Lewis' plea bargain reportedly was arranged in negotiations between Vigo County Public Defender Dexter Bolin and Chief Deputy Vigo Prosecutor Philin Adler.

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Community Affairs File
Lewis Enters Guilty Plea to Lesser Charge

Eddie Lewis' guilty plea to voluntary manslaughter was accepted by Judge Robert Howard Brown - when the 17-year-old from Gary appeared in Vigo County Court Division 5 Thursday. Judge Brown set sentencing for Thursday, April 29 at 9 a.m. and set a recognizance bond of \$150,000.

Lewis had been charged with first degree murder along with Stanford Wayne Fortson, 15, and Sherbert Maurice Fortson, 17, in the shooting death of

Pinkerton security guard Ralph Benjamin, 55, last August.

Lewis was a state's witness in Maurice Fortson's recent trial in Vigo Circuit Court.

1 APR 15 1977

Both Fortson brothers were found guilty of first degree murder as charged by juries in separate trials in Vigo Circuit Court. Both are serving mandatory life sentences.

In Lewis' case, a plea bargain agreement was reportedly reached between Public Defender Dexter Bolin and Chief Deputy Prosecutor Philip Adler.

The voluntary manslaughter charge carries a 1-to-10 year sentence. However, the Minors' Act is expected to be invoked, and Lewis will serve one year at the Indiana State Farm.

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High court upholds Fortson conviction

Crime & Criminals (7/14)

FEB 8 1978

INDIANAPOLIS — The Indiana Supreme Court Wednesday upheld the first-degree murder conviction of a Terre Haute man who was only 18 when convicted in the slaying of a Terre Haute man kidnapped north of Terre Haute, according to a United Press story.

The high court, in an opinion written by Justice Roger DeBruler rejected seven bases for appeal from Stanford Fortson, who was sentenced to a life prison term in Vigo Circuit Court.

Evidence was Fortson, his older brother, Maurice Fortson, and Eddie Lewis were returning to Terre Haute from Gary on the night of Aug. 24, 1976, when they ran out of gas. They came upon Ralph Benjamin, a security guard who was parked along the road.

Testimony revealed that Maurice Fortson was armed with a .38-caliber pistol and the three seized the car, taking Benjamin's wallet and watch and forcing him into the trunk of the car.

They parked in a northside field, the trunk was opened and Maurice Fortson reportedly shot Benjamin. The three then attempted to remove their fingerprints from the car.

Stanford Fortson later told a sister and a cousin about the killing.

Stanford Fortson was tried as a principal under the state's felony murder rule, and several of his arguments concerned instructions to the jury on aiding and abetting in commission of a felony.

He had also sought discharge because he was held for more than 70 days without coming to trial, but the high court noted the state had been properly granted a continuance because of the crowded court docket.

It also rejected an argument he should get a new trial on grounds that Lewis, who was a fugitive when he was tried the first time, was now in custody and his testimony would be "new evidence."

Community Affairs File

Wayne County Public Library

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